

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 3:06CR36

CHRISTOPHER LANCASTER,

Defendant.

PRESENTENCE BOND REVOCATION HEARING ORDER

On the 20th day of July 2006, the parties in the above styled matter appeared for a hearing on the Probation Officer's Petition to Revoke Presentence Release. The Defendant appeared in person and by counsel, James T. Kratovil. The United States appeared by Paul T. Camilletti, Assistant United States Attorney. Probation Officer Kenneth Reid was present.

On July 6, 2006, the Defendant entered a plea of guilty to a one count Information for acquiring a controlled substance by fraud. The Defendant was released on a \$15,000 appearance bond and subject to the standard terms of release for this District. Among those conditions were Standard Condition 1, "The Defendant shall not commit any offense in violation of federal, state or local law while on release in this case."

The Magistrate Judge heard evidence and testimony at a July 7, 2006, revocation hearing indicating that the Defendant was not truthful with the Court at the July 6, 2006, Rule 11 hearing. The Magistrate Judge recommended that the Defendant's presentence release be revoked (Document No. 16).

At the Final Revocation Hearing the Court reviewed the history of the allegations and the Defendant's appearances before the Court. The Court found that the Defendant had been using

illegal drugs just prior to his July 6, 2006, appearance before the Court, knowing he was to appear in court. The Defendant admitted that he has a drug addiction problem. The Defendant indicated that he has an implant that dispenses medications to specifically counteract opiates like heroin, but that he has taken cocaine, an unaffected drug, while on that course of treatment.

The Court could not find by clear and convincing evidence that the Defendant would not pose a danger to himself and other members of the community if released on bond. Accordingly, the Court **ADOPTED** the Magistrates Report and Recommendation as modified herein and Ordered the Defendant's bond **REVOKE**D. The Court ordered the Defendant detained pending sentencing, but stated that the instant determination should not alter the status of the Defendant's acceptance of responsibility.

The Defendant was remanded to the custody of the United States Marshals Service.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to all counsel of record herein.

DATED this 27th day of July 2006.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE